

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: March 15, 2006

Division: County Attorney

Bulk Item: Yes XX No    

Staff Contact Person: Pedro Mercado

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**AGENDA ITEM WORDING:**

Approval of settlement agreement in code enforcement lien in Monroe County v. Jeffrey Meyer and Douglas Meyer and Thomas Meyer.

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**ITEM BACKGROUND:**

This is a code enforcement lien that was recorded on April 18, 1997. On April 12, 1996 a code enforcement inspection was conducted on the Respondent's property. At that time the inspectors found that the property, containing three (3) abandoned trailer homes in varying states of disrepair, was littered with debris including an abandoned boat. The Respondents were cited for violation of Section 6-16.2 unsafe building based on the level of damage and disrepair evident on the trailer homes, Section 8-30 Debris and Noxious Material based on the amount of trash located on the property and Section 19-96 Abandoned Watercraft based on the abandoned boat located on the property. A hearing was held on August 28, 1996 in which the Special Master found that the above cited violations existed on the Respondent's property. Following the hearing, the Respondents were given an opportunity to bring the property into compliance. The compliance date was extended several times until February 26, 1997. At that time, the Special Master imposed a fine of \$20 per day beginning on February 20, 1997. The property was brought into compliance on December 1, 2005 at which time the fine totaled \$64,060. The Respondent's file also contains a Motion filed by the Respondents on October 30, 2000 entitled "*Motion to Set Aside or Mitigate Order Imposing Penalty/Lien*". The motion states that the violations were brought into compliance in January of 1997. The Respondent's file also contains a letter dated January 28, 1997 from the Respondents authorizing then Inspector Anderson to enter on to the property to inspect for purposes of compliance and requesting a 30 day extension of the hearing due to a conflict in the Respondents schedule. As far as this office can tell, no action was taken on either the Respondent's January 1997 letter or October 2000 motion. Based on the Respondent's letter and motion, the property may have been brought into compliance as early as January 1997; however, this can not be confirmed due to inactivity by both the Respondents and the County. If the Respondent is given the benefit of the doubt, this case would be appropriate for a reduction in fine; however, due to the Respondent's inaction it would not be appropriate to back date the compliance date. Therefore based on the assumption that the property was timely brought into compliance and our past practice of settling such cases for ten percent of the outstanding fine plus costs, this office recommends settling this case for \$6,588.00.

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**PREVIOUS RELEVANT BOCC ACTION:**

None

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**CONTRACT/AGREEMENT CHANGES:**

N/A

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**STAFF RECOMMENDATIONS:**

Approval.

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TOTAL COST: \_\_\_\_\_

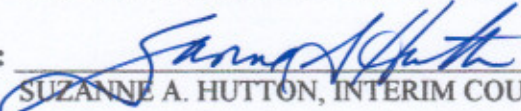
BUDGETED: Yes \_\_\_\_ No \_\_\_\_

COST TO COUNTY: \_\_\_\_\_

SOURCE OF FUNDS: \_\_\_\_\_

REVENUE PRODUCING: Yes XX No \_\_\_\_ AMOUNT PER MONTH \_\_\_\_ Year \_\_\_\_

APPROVED BY: County Atty \_\_\_\_ OMB/Purchasing \_\_\_\_ Risk Management \_\_\_\_

DIVISION DIRECTOR APPROVAL:  2/22/06  
SUZANNE A. HUTTON, INTERIM COUNTY ATTORNEY

DOCUMENTATION: Included XX Not Required \_\_\_\_

DISPOSITION: \_\_\_\_\_

AGENDA ITEM # \_\_\_\_\_

BEFORE THE CODE ENFORCEMENT SPECIAL  
MASTER OF MONROE COUNTY, FLORIDA

MONROE COUNTY, FLORIDA,  
Petitioner,

CASE NO: M7-96-218

vs.

JEFFREY B. MEYER, and DOUGLAS  
MEYER, and THOMAS MEYER  
Respondents

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MOTION TO SET ASIDE OR MITIGATE  
ORDER IMPOSING PENALTY/LIEN

The undersigned Respondent, on behalf of all Respondents herein, file their Motion to set aside the order imposing the penalty/lien herein, and allege:

1. On the 28<sup>th</sup> day of August, 2000, the Special Master herein entered an Order Imposing a Penalty/Lien against the Respondents herein arising from a hearing held on January 29, 1997 before Special Master Randy Sadtler.
2. This matter arose from an ongoing code enforcement case in which it was alleged that the Respondents had some trash, an abandoned vessel, and some unsafe mobile homes on their property (the subject of the enforcement action).
3. On November 19, 1996, Respondent met with inspector Russ Anderson at the property. Mr. Anderson indicated that the property was in substantial compliance. He requested at that time that one small pile of trash be removed, and that five windows be boarded up on the mobile homes.
4. An extension was granted until January 23, 1997 to complete that minor work. (see letter attached sent to code enforcement on November 22, 1996). The matter was continued until January 23, 2000 based upon the letter and the testimony confirming it by inspector Anderson.
5. In January of 1997, the respondents completely came into compliance by removing the trash requested by inspector Anderson, and boarding up the windows as specifically requested by him.
6. A hearing was scheduled for January 29, 1997 to determine compliance. On January 28, 1997, undersigned called code enforcement to determine if inspector Anderson had reinspected the property to confirm the completion of the work. Mr. Anderson informed the undersigned that



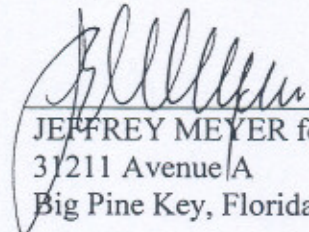
he was not going to do the inspection without someone present because he had previously been accused of entering the property and structures illegally by undersigned. Undersigned immediately forwarded a letter to him requesting that he conduct the inspection to confirm compliance for the hearing on the 29<sup>th</sup>. ( a copy of said letter is attached hereto). The letter also indicated that undersigned could not be present for the hearing on the 29<sup>th</sup> because of a conflict with a hearing before Judge Becker.

7. Undersigned was under the impression that the matter was resolved at the hearing on the 29<sup>th</sup> because the small amount of additional cleanup had been completed and the property was then in full compliance.

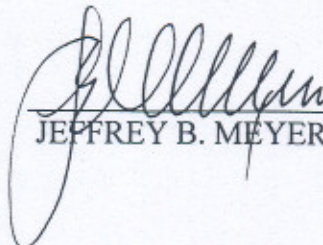
8. Had undersigned been aware that the matter had not been resolved at said hearing, the matter would have been dealt with immediately thereafter.

WHEREFORE, Undersigned respectfully requests the Special Master to set aside the order and to set aside the fines and penalties as the matter was brought into compliance on the 23<sup>rd</sup> of January, 1996.

RESPECTFULLY SUBMITTED on this 30<sup>th</sup> day of October, 2000.

  
JEFFREY MEYER for all respondents  
31211 Avenue A  
Big Pine Key, Florida 33043

I HEREBY CERTIFY that a true and exact copy of the foregoing Motion was sent by U.S. Mail to the office of Code enforcement at the Monroe County Public Service Building , Stock Island, Florida on this 30<sup>th</sup> day of October, 2000.

  
JEFFREY B. MEYER for Respondents



**MEYER & ERSKINE, F.A.**

ATTORNEYS AT LAW

BIG PINE PROFESSIONAL BUILDING

29872 OVERSEAS HIGHWAY

SUITE #1

BIG PINE KEY, FLORIDA 33043

TELEPHONE 305-872-3400

FAX 305-872-4822

NOVEMBER 20, 1996

LARRY R. ERSKINE

JEFFREY B. MEYER

Ms. Helen Yaniz

Code Enforcement Liason

Monroe County Government Regional Center

Marathon, FL 33050

Re: Monroe County vs Meyer Code Enforcement

Case No.: M7-96-218

Dear Ms. Yaniz:

This letter will confirm our meeting with Russ Anderson on Wednesday, November 20, 1996. At that time, Mr. Anderson conducted his inspection of our property and determined that the violations had been brought substantially into compliance and that there was some additional work to be completed. In light of that fact, Mr. Anderson has indicated that he would agree to extend the time for final compliance through the January Code Enforcement Meeting. The purpose of this letter is to verify this information with the understanding that the matter would not require our presence at the Code Enforcement Hearing on November 21, 1996.

Please confirm this information upon your receipt of this fax transmission.

I thank you.

Very Truly Yours,

*Jeffrey B. Meyer*

Jeffrey B. Meyer

JBM.jt



MEYER & ERSKINE, P.A.

ATTORNEYS AT LAW  
BIG PINE PROFESSIONAL BUILDING  
29872 OVERSEAS HIGHWAY  
SUITE #1  
BIG PINE KEY, FLORIDA 33043

LARRY R. ERSKINE  
JEFFREY B. MEYER

TELEPHONE 305-872-3400  
FAX 305-872-4822

JANUARY 28, 1997

FAX TRANSMISSION  
292-4417

Ms. Helen Yaniz  
Monroe County Code Enforcement

Re: Monroe County vs Meyer, et al/ Code Enforcement matter  
Case #: M7-96-218

Dear Mr. Anderson:

Please be advised that we have brought the property into final compliance based upon your request. It was my understanding the the compliance date was January 23, 1997. I was under the impression that you would be out to the property on the 23rd to inspect for the final compliance. It is my understanding now that you believe that you could not have access to the property because the gate is locked. The gate is not locked and it can be opened from the right hand side by simply picking it up and swinging it open. You have entered through this gate on previous occasions and there is no reason why you could not enter now to do your final inspection. In any event, we have covered each and every window and doorway in the mobile homes with either plywood or storm shutters. We have otherwise completed the work as requested by you.

I have a problem because I must be in Judge Becker's Courtroom at 1:00 p.m. on Wednesday, January 29, 1997 for an Evidentiary Hearing. This will probably preclude me from being available for the Code Enforcement Hearing. Had I known in advance that you had not completed your final inspection, I may have been able to make other arrangements.

I would request that under the circumstances, we be given an additional 30 day extension within which you may conduct your final inspection.

I thank you and would appreciate your presenting this letter to the Code Enforcement Board in the event that I am unable to be there.

Very Truly Yours,

*Jeffrey B. Meyer*

Jeffrey B. Meyer

JBm/jt



**BEFORE THE CODE ENFORCEMENT SPECIAL MASTER  
OF MONROE COUNTY, FLORIDA  
The Honorable J. Jefferson Overby, Presiding**

**MONROE COUNTY, FLORIDA**  
**Petitioner,**

**vs.**

**CASE NO.: M7-96-218**

**JEFFREY MEYER and DOUGLAS MEYER  
and THOMAS MEYER,**  
**Respondent(s)**

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**SETTLEMENT AGREEMENT**

The Petitioner Board of County Commissioners of Monroe County and Jeffrey Meyer and Douglas Meyer and Thomas Meyer, Respondent(s), hereby agree to settle the code enforcement lien imposed in the above-referenced case by the Special Master against property owned by the Respondent(s) as follows:

1. The parties agree to settle the code enforcement lien for \$6,588.00.
2. The property in question has a legal description of Southeast ½, Little Conch Key, Monroe County, Florida (RE:00099090-000000 & 00099090-000100)
3. Upon approval of this agreement by the Board of County Commissioners, the Respondent(s) shall remit a check in the amount of \$6,588.00 made payable to the Board of County Commissioners.
4. Once the aforementioned check has cleared, the County will issue to the Respondent(s) a release and satisfaction of said lien for filing by the Respondent(s) in the Official Records of Monroe County.

5. The County will file a copy of the release and satisfaction in the official Code Enforcement file.
6. By entering into this agreement, the each party agrees to waive any and all claims that it could have raised and/or potential claims that it might have been able to raise as a result of the above-captioned code enforcement case.
7. Both parties warrant that they have had an opportunity to consult with counsel before entering into this agreement.
8. Each party agrees to bear its own costs and attorney's fees other than as specified in this agreement.

**ATTEST:**  
**DANNY L. KOLHAGE**  
CLERK:

**BOARD OF COUNTY COMISSIONERS**  
**OF MONROE COUNTY**

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Charles McCoy, Mayor

Dated \_\_\_\_\_



LARRY R. ERSKINE  
MY COMMISSION # DD 357231  
EXPIRES: October 8, 2008  
Bonded Thru Budget Notary Services

Notary Public



LARRY R. ERSKINE  
MY COMMISSION # DD 357231  
EXPIRES: October 8, 2008  
Bonded Thru Budget Notary Services

Notary Public

JEFFREY B. MEYER, Respondent  
Print Name

By: FEB. 3, 2006  
Signature (date)

DOUGLAS V. MEYER, Respondent  
Print Name

By: Douglas V Meyer FEB 3, 2006  
Signature (date)  
BY JEFFREY B MEYER, ATTORNEY  
IN FACT.





EXPIRES: October 8, 2008  
Bonded Thru Budget Notary Services

THOMAS MEYER, Respondent

Print Name

Notary Public

By: Thomas Meyer 2/3/06  
Signature (date)

This document was prepared and approved for legal sufficiency by:

Pedro J. Mercado, Esq.  
Assistant County Attorney  
Florida Bar No.: 0084050  
P.O. Box 1026  
Key West, FL 33041-1026  
(305) 292-3470